

REMARKS

Claims 1-17 were examined. Claims 8, 11-13 and 17 are amended. Claim 9 is canceled. Claims 1-8 and 10-17 remain in the Application.

The Patent Office rejects claims 8-10 and 17 under 35 U.S.C. §112, second paragraph, as indefinite. The Patent Office rejects claims 1, 4-5, 8-14 and 17 under 35 U.S.C. §102(e). The Patent Office rejects claims 2-3, 6-7 and 15-16 under 35 U.S.C. §103(a). Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

A. 35 U.S.C. §112, Second Paragraph: Rejection of Claims 8-10 & 17

The Patent Office rejects claims 8-10 and 17 under 35 U.S.C. §112, second paragraph, as indefinite. Applicants amend claims 8 and 17. Applicants believe claims 8, 10 and 17 are definite and respectfully request that the Patent Office withdraw the rejection to claims 8-10 and 17 under 35 U.S.C. §112, second paragraph.

B. 35 U.S.C. §102(e): Rejection of Claims 1, 4-5, 8-14 & 17

The Patent Office rejects claims 1, 4-5, 8-14 and 17 under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application No. 2001-0037821 of Staley (Staley). Staley describes a multi-component polishing and/or cleaning composition wherein the components are mixed at the point-of-use or immediately before delivery to the point-of-use. Staley describes various components that may or may not be used in embodiments of the polishing and/or cleaning compositions. Both components include an abrasive, an oxidizing agent, a catalyst, a film forming agent, a complexing agent, a surfactant, and a stabilizer. See page 2, paragraph 13 through page 3, paragraph 22.

Independent claim 1 is not anticipated by Staley, because Staley does not describe a method including removing material from a surface of a wafer by chemical mechanical polishing the wafer with a slurry comprising an oxidizing agent and a buffer. The Patent Office cites Staley's teaching of a complexing agent (page 3, paragraph [0020]) presumably for the buffer. A

buffer, as described in Applicant's application is a compound that may absorb or release hydrogen ions without large changes in pH of the compound to which they have been added. See Application at page 7, paragraph [0026].

The complexing agents described by Staley are also referenced as chelating agents or selectivity enhancers. The complexing agents are not described as having a property similar to a buffer. The Patent Office has not identified a compound having a property of a buffer.

For the above stated reasons, claim 1 is not anticipated by Staley.

Claim 4 is not anticipated by Staley, because Staley does not describe a composition suitable for use in a chemical mechanical polish process including a buffer. As noted above, Staley teaches complexing agents that are not described in terms of a buffer as described in the application.

Claims 5, 8, and 10-11 depend from claim 4 and therefore contain all the limitations of that claim. For at least the reasons stated with respect to claim 4, claims 5, 8, and 10-11 are not anticipated by Staley.

Claim 12 is not anticipated by Staley, because Staley does not describe a kit including a buffer. As noted above, Staley describes complexing agents and the Patent Office has not identified one such compound that might act as a buffer as used in the application.

Claims 13-14 and 17 depend from claim 12 and therefore contain all the limitations of that claim. For at least the reasons stated with respect to claim 12, claims 13-14 and 17 are not anticipated by Staley.

Applicants respectfully request that the Patent Office withdraw the rejection to claims 1, 4-5, 8-14 and 17 under 35 U.S.C. §102(e).

C. 35 U.S.C. §103(a): Rejection of Claims 2-3, 6-7 & 15-16

The Patent Office rejects claims 2-3, 6-7 and 15-16 under 35 U.S.C. §103(a) as obvious over Staley. Claims 2-3, 6-7 and 15-16 depend from independent claim 1, 4, and 12, respectively, and therefore contain all the limitations of those claims. The rejected claims are

therefore prima facie not obvious over Staley for the reasons given above with respect to the noted independent claims. The Patent Office states that Staley teaches compounds that may exist in the acid or salt form and that two or more components may form a mixture. Applicants believe such teachings do not describe a buffer as that term is used in the application. Applicants also do not believe there is any suggestion in Staley to combine complexing agents as noted by the Patent Office to form a buffer.

Applicants respectfully request that the Patent Office withdraw the rejection to claims 2-3, 6-7 and 15-16 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9/20/04

William T. Babbitt
William Thomas Babbitt, Reg. No. 39,591

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nedy Calderon
Nedy Calderon

9/20/04
Date